

February 3, 2022  
Regular City Council Meeting

**Discussion of Adopting a Resolution Regarding Transboundary Mining -  
Councilmember Gage**



City Manager  
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<b>TRANSMITTAL MEMORANDUM</b>
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TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting City Manager

DATE: January 24, 2022

RE: **Discussion of Adopting a Resolution Regarding Transboundary Mining - Councilmember Gage**

At their meeting of January 17, 2022, the Ketchikan Gateway Borough Assembly Adopted Resolution No. 2921, a Resolution of the Assembly of the Ketchikan Gateway Borough, Calling for a Pause in Permitting, Exploration, Development, and Expansion of Canadian Mines, and Urging a Permanent Ban on Tailings Dams, along Alaska-British Columbia Transboundary Salmon Rivers.

Per the attached correspondence with Deputy Clerk Taylor Lee, Councilmember Gage has asked that the City Council consider similar action. A City Council discussion item has been placed on the February 3, 2022 agenda.

## Lacey Simpson

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**From:** Taylor Lee  
**Sent:** Friday, January 21, 2022 1:23 PM  
**To:** Janalee Gage; Kim Stanker  
**Cc:** Lacey Simpson  
**Subject:** RE: Transboundary mining resolution

Hi Janalee,

This will be added to the agenda as a discussion item for the Council meeting of February 3, 2022.

Thank you,

Taylor

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**From:** Janalee Gage <CM5@City.Ketchikan.Ak.Us>  
**Sent:** Friday, January 21, 2022 7:08 AM  
**To:** Kim Stanker <KimS@City.Ketchikan.Ak.Us>; Taylor Lee <taylorl@City.Ketchikan.Ak.Us>  
**Subject:** Fwd: Transboundary mining resolution

Here it is, could we get this on our next meeting

Sent from my iPad

Begin forwarded message:

**From:** Austin Otos <[austino@kgbak.us](mailto:austino@kgbak.us)>  
**Date:** January 18, 2022 at 4:03:09 PM AKST  
**To:** Janalee Gage <[CM5@city.ketchikan.ak.us](mailto:CM5@city.ketchikan.ak.us)>  
**Subject:** Transboundary mining resolution

### CAUTION: External Email

This email originated from a source outside the City of Ketchikan. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Hi Janalee,

attached is the final KGB resolution on Canadian-US transboundary mining. let me know if you have any questions.

thanks,

Austin Otos

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# KETCHIKAN GATEWAY BOROUGH

## RESOLUTION NO. 2921

### **A Resolution of the Assembly of the Ketchikan Gateway Borough, Calling for a Pause in Permitting, Exploration, Development, and Expansion of Canadian Mines, and Urging a Permanent Ban on Tailings Dams, along Alaska-British Columbia Transboundary Salmon Rivers**

#### **RECITALS**

- A. WHEREAS**, the Alaska-British Columbia (B.C.) transboundary Taku, Stikine, and Unuk Rivers are the largest wild salmon-producing rivers in Southeast Alaska and some of the most productive on the entire west coast of North America, historically producing 80% of the region's king salmon; and
- B. WHEREAS**, the Taku, Stikine, and Unuk Rivers alone contribute nearly \$50 million in economic activity, \$34 million in direct spending, over 400 jobs, and almost \$20 million in labor income towards Southeast Alaska's annual multi-billion fishing and visitor industries; and
- C. WHEREAS**, wild salmon populations in the Taku, Stikine, and Unuk Rivers are presently in decline, resulting in the Alaska Department of Fish and Game listing Unuk River king salmon as a Stock of Concern in 2017 and in the Department's imminent listing of Taku and Stikine River king salmon as Stocks of Concern; and
- D. WHEREAS**, the Unuk River area has been an indigenous Alaskan site for thousands of years and holds significant cultural value to Alaskan Natives; and
- E. WHEREAS**, the health and productivity of the Unuk River is exceptionally vital to Ketchikan and the region's ecosystem, and provides tremendous ecological, subsistence, economic, and recreational value for residents of Ketchikan, Alaska; and
- F. WHEREAS**, Ketchikan is normally ranked in the top 25 fishing ports in the U.S., the estimated ex-vessel total landing income of commercial fishing in the Ketchikan Gateway Borough (including the City of Ketchikan and Saxman) was over 37.5 million pounds worth more than \$36 million in 2018; and
- G. WHEREAS**, the clean waters of Southeast Alaska attracts more than one million visitors each year spending hundreds of millions of dollars throughout the region, employing thousands of seasonal workers all contributing to millions of dollars in collected sales taxes that helps operate local government; and
- H. WHEREAS**, more than two-dozen inadequately regulated Canadian hardrock mining projects are in various stages of abandonment, permitting, development,

or operation in the watersheds of Taku, Stikine, and Unuk Rivers in Northwest B.C., most of which are large-scale and open-pit, occur in known acid-generating ore bodies, include massive tailings dams that have to store toxic waste forever, expansive waste rock storage facilities, and the need for perpetual water treatment, roads, and other infrastructure, thereby threatening (both in the short term and on geological timescales) the productivity and ecological health of these watersheds through cumulative impacts, contamination, habitat destruction, and/or possible catastrophic failures; and

- I. **WHEREAS**, B.C.'s environmental assessment process does not set legal requirements or standards for assessing cumulative effects of existing and proposed development; and
- J. **WHEREAS**, B.C.'s Kerr-Sulphurets-Mitchell mining project (KSM), if built as proposed in both the Unuk and Nass River watersheds, would be the largest open-pit mine in Canada and one of the largest in the world, B.C.'s underground Brucejack mine already operates in the Unuk River watershed, former underground Eskay Creek mine is currently proposed as a "revitalized" open-pit mine with a tailings dam in the Unuk watershed, and more than 80% of the B.C. portion of the Unuk watershed is staked with mineral claims; and
- K. **WHEREAS**, the Unuk River supports a culturally important run of eulachon as well as the largest natural runs of Chinook salmon in Southern Southeast Alaska; and
- L. **WHEREAS**, the Unuk River flows into Misty Fjords National Monument, which contains the largest Wilderness area in the Tongass National Forest.; and
- M. **WHEREAS**, the Unuk River watershed economic activity creates an estimated 24 jobs annually, with \$1.2 million in labor income. Annual spending in Southeast Alaska associated with the watershed totals \$2.5 million, including multiplier effects. This economic footprint includes \$1.8 million in direct spending. Unuk River watershed economic benefits have a net present value of \$50 million, based on \$2.5 million in economic activity over a 30-year period; and
- N. **WHEREAS**, the leaching of heavy metals to groundwater and sediment from mining can contaminate freshwater systems for decades, preventing recovery of fish populations many years after the cessation of mining activity and posing a risk to human health, and B.C.'s Tulsequah Chief mine in the Taku River watershed has been abandoned and leaching acid mine drainage since 1957; and
- O. **WHEREAS**, following B.C.'s Mount Polley mine disaster in 2014 an expert panel appointed by the B.C. government found that if mining companies continue their business-as-usual operations the province could face an average of two dam failures every ten years; and
- P. **WHEREAS**, the Auditor General of B.C., in her report issued on May 3, 2016, found

that the B.C. Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement activities of the mining sector are inadequate to protect the province from significant environmental risks", and according to a 2017 report by the United Nations Environment Program, Canada has the world's second-worst record for mine tailings spills after China, with seven incidents reported in the previous decade; and

- Q. WHEREAS**, the June 2021 *Audit of Code Requirements for Tailings Storage Facilities* by B.C.'s Mine Audits and Effectiveness Unit, has found provincial mining code changes developed after the Mount Polley disaster lack the definition needed to ensure compliance, verification and enforcement, which means communities and the environment across the province lack full protection against the potentially catastrophic consequences of tailings dam failures that B.C.'s new mining code was meant to provide; and
- R. WHEREAS**, B.C. touts itself to U.S. officials and potential investors as a world-class marketplace for responsibly-sourced metals and a mining jurisdiction with highly positive ESG (Environment, Social, Governance) outcomes and yet, B.C. is supporting widespread exploration and the permitting of open pits and tailings dams at mine sites across B.C. just upriver from four U.S. border states (AK, WA, ID, MT) and at the headwaters of some of North America's last remaining productive wild salmon rivers, without the consultation and consent of local Tribes and communities downstream; and
- S. WHEREAS**, the Alaska-British Columbia Memorandum of Understanding and associated Statement of Cooperation on Protection of Transboundary Waters signed by the State of Alaska and the Province of B.C. in 2015 are important, but cannot provide binding, enforceable protections for the residents, rivers, and watersheds of the Alaska-B.C. transboundary region; and
- T. WHEREAS**, the Boundary Waters Treaty of 1909 was signed to prevent and resolve disputes over the use of shared waters between the United States (U.S.) and Canada, declaring in Article IV that, "it is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other;" and
- U. WHEREAS**, consistent with previous resolutions passed by the Ketchikan Gateway Borough Assembly (Resolution 2830S in 2019 and Resolution 2568 in 2014) on transboundary issues we strongly urge the United States and Canadian governments to utilize any and all powers under the Boundary Waters Treaty or other vehicles to develop binding and enforceable protections, including long term water quality monitoring, to ensure that Alaska and British Columbia interests and ways of life are not harmed by upstream Canadian development in the shared transboundary watersheds of Southeast Alaska and Northwest British

Columbia.

**NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH** as follows:

**Section 1.** The Ketchikan Gateway Borough strongly urges the United States government and the Canadian government to utilize their authority under the United States-Canada Boundary Waters Treaty of 1909 to prevent and resolve disputes over the use of shared waters.

**Section 2.** The Ketchikan Gateway Borough strongly urges a temporary pause in permitting, exploration, development, and expansion of Canadian mines along shared Alaska-B.C. salmon rivers until a binding international agreement on watershed protections, developed by *all* jurisdictions in these shared transboundary watersheds and consistent with the Boundary Waters Treaty of 1909 and the rights of Indigenous Peoples, is implemented.

**Section 3.** The Ketchikan Gateway Borough requests U.S./Canadian consultation with local communities, stakeholders, and Indigenous leaders of the Taku, Stikine, and Unuk watersheds to develop the aforementioned binding international agreement on watershed protections. This agreement should identify and honor no-go zones and decisions by local residents and Indigenous people on both sides of the international border, ensure mining companies and shareholders are liable for cleaning up their waste and compensating impacted communities for all damages, and enforce requirements for mining best practices which impact these irreplaceable Alaska-B.C. transboundary salmon rivers.

**Section 4.** The Ketchikan Gateway Borough strongly urges a permanent ban on tailings dams along the Alaska-BC transboundary salmon rivers.

**Section 5.** A copy of this resolution shall be transmitted to U.S. Senator Lisa Murkowski, U.S. Senator Dan Sullivan, U.S. Congressman Don Young, and the Canadian Trudeau Administration.

**Section 6.** Effective Date. This resolution shall be effective upon adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Rodney Dial, Borough Mayor

*ATTEST:*

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Kacie Paxton, Borough Clerk

*APPROVED AS TO FORM:*

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Glenn Brown, Borough Attorney